IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

Delay Condonation Application No.854 of 2007
In
Review Petition (L) No.3955 of 2007
In
Writ Petition No.6719 of 2006

Rajendra P. Shah. .. Applicant

Vs.

M/s.Ghiya Bearings. .. Respondent

--

Shri Vijay Kumar Shrivastava for the applicant.

Shri V.P.Vaidya for the respondent.

--

CORAM : R.M.S.KHANDEPARKAR, J

DATED : 3RD MAY, 2007

P.C.

1. Heard. This is an application for condonation of delay of 75 days in filing the review petition. The only ground on which the delay is sought to be condoned is that the earlier advocate appearing for the applicant did not present the case effectively before this Court while disposing the Writ Petition No.6719 of 2006 inspite of the fact that all the necessary materials, documentary as well as oral instructions, were given to the concerned advocate.

It is also the case of the applicant that certain letters were addressed to me as well as two letters to the Registrar. As no notice thereof was taken, the present application has been filed after delay of 75 days.

2. As regards the first ground, admittedly, the same relates to the incident prior to the passing of the order dated 8th November, 2006 which is sought to be reviewed. Being so, it has nothing to do with the delay caused in filing the review application. As regards the second ground, it is not necessary for any Judge to take any notice of any letter privately addressed by any litigant. Merely because the litigant addressed a letter privately to the Judge and no notice thereof was taken by the Judge, it cannot be a ground for condonation of delay in filing the review application. A litigant desiring to seek reliefs in the matter has to follow the procedure prescribed under the law. Being so, merely because no cognizance was taken of any letter privately addressed to me by the litigant, that cannot be a ground for condonation of delay in filing the review application.

3. Even otherwise, there is absolutely no case made out for review of the order dated 8th November,

2006. The said order apparently discloses that the points which were sought to be raised in Writ Petition No.6719 of 2006 were earlier raised in Writ Petition No.2246 of 1996 without any success. The litigants cannot be allowed to agitate the same grounds again and again for filing the writ petition after writ petition. Once the petition is dismissed after hearing the parties and the order is not interfered with by the appellate authority, then such order attains finality and it is binding on the parties. Being so, there could not be any ground for review of the order dated 8th November, 2006.

4. For the reasons stated above, therefore, the application for condonation of delay is rejected. Consequently, the Review Petition (L) No.3955 of 2007 in Writ Petition No.6719 of 2006 also stands dismissed.

(R.M.S.KHANDEPARKAR, J)